84-1714

Office-Supreme Court,
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ALEXANDER L. STEV
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No.

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1984

JOHN H. SLINGERLAND,
Appellant,

— vs. —

PAUL N. OLSON, as Chairman of the Vermont Board of Bar Examiners, THE VERMONT BOARD OF BAR EXAMINERS, and THE VERMONT SUPREME COURT,
Appellees.

On Appeal from the Vermont Supreme Court

JURISDICTIONAL STATEMENT

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QUESTIONS PRESENTED

Does the Due Process Clause of the Fourteenth Amendment apply to the Appellant's interest in being admitted to the Bar of the Vermont Supreme Court?

Have the minimum requirements of due process been met by the procedure for review set forth by VT. STAT. ANN. tit. 12, App. I, Pt. II, §§ 10(e), (f) and (g)?

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[1]The parties to the proceedings in the Vermont Supreme Court were Paul N. Olson, Chairman of the Vermont Board of Bar Examiners, and the Vermont Board of Bar Examiners whose members at that time were Leslie S. Linton, Patricia A. Barr, Nancy E. Kaufman, Vincent H. Naramore, Brooke Pearson, Douglas Richards, and Charles R. Tetzlaff.

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OPINION BELOW

The opinion of the Vermont Supreme Court in *In*
Slingerland v. Board of Bar Examiners, No. 84-569 (Vt.,
February 5, 1985) is attached hereto as Appendix B. The
of the Chairman of the Board of Bar Examiners is a letter
Slingerland dated November 14, 1984, and is attached h
Appendix A.

JURISDICTION

Appellant appeals from the judgment of the Vermont S
Court denying his petition for extraordinary relief. Said peti
brought as an original action pursuant to VT. STAT. ANN
App. I, Pt. II, § 13(b) (1982) and V.R.A.P. 21(b). A
sought review in the Vermont Supreme Court of the Cha
the Vermont Board of Bar Examiner's adverse decision r
his July 1984 bar examination score. Said petition challe
constitutionality of VT. STAT. ANN. tit. 12, App. I, Pt. II,
(f) and (g) under the Due Process Clause of the Fo
Amendment.

The judgement of the Vermont Supreme Court denyi
was entered Feb. 5, 1985. The Notice of Appeal was file
court Feb. 20, 1985.

The jurisdiction of the Supreme Court to review this de
appeal is conferred by 28 U.S.C. § 1257(2). Appellant chall
constitutionality of a state statute which has been uphe
highest court in the State of Vermont. The following cases
jurisdiction of the Supreme Court to review on direct a
judgment in this case: *Lathrop v. Donahue*, 367 U.S. 820
(1961); *District of Columbia Court of Appeals v. Feldma*
Ct. 1303, 1316-1317 (1983).

STATUTES INVOLVED

The statute challenged by the Appellant is VT. STAT. AN
App. I. Pt. II, §§ 10(e), (f) and (g), (1982), Rules of Admiss
Bar of the Vermont Supreme Court, which provides in
part:

Sec. 10. Examinations

(e) The decision of the Board as to which applicants pa
which applicants fail an examination shall be final, except
showing of misconduct on the part of one or more membe
Board.

(f) An applicant who takes and fails to pass the essay or M
Bar Examination part of the bar examination may peti
review by the Board. The petition must be made in writin
Clerk of the Supreme Court within thirty days of mailin
examination results. The Board need not explain th
received but shall provide review as follows:

(1) a photocopy of the applicant's essay examination ans
(2) a copy of a model answer, a grading guide and a typ
answer for each question;
(3) handscoring by Educational Testing Service of the M
Bar Examination;
(4) verification of arithmetic computations for the essa
nation; and
(5) verification of grades reported.

(g) Within fourteen days of mailing of the review results p
for in § 10(f), an applicant may appeal to the Chairm
appeal shall be in the form of a written petition which
forth specifically and in detail any claim of misconduc
examiner or the Board. The Chairman shall render a
writing within thirty days of receipt of the petition as to
the appeal has substantial merit. If the Chairman finds su
merit to the appeal, it shall be referred forthwith to the fu
less any examiner whose conduct is the subject of the a
the Chairman finds no substantial merit to the appeal, th
man shall inform the applicant in writing of the decisio
shall be final.

Also involved in this appeal is Section 13(b) of the
Admission to the Bar of the Vermont Supreme Court:

Section 13: Miscellaneous

(b) Except as otherwise provided by these Rules any i
may appeal from a decision of the Board of Bar Exam
filing an action with the Vermont Supreme Court as a
original jurisdiction pursuant to the Rules of Appellate P

The foregoing statutes, with the exception of § 13(lenged under the Fifth Amendment and the Fourtee ment of the United States Constitution:

AMENDMENT V

No person shall be...deprived of life, liberty, or prope due process of law.

AMENDMENT XIV

Section 1.

No state shall...deprive any person of life, liberty, without due process of law....

STATEMENT OF THE CASE

On October 9, 1984 after receiving a failing score on t essay portion of the Vermont Bar Examination, App petition for review before the Chairman of the Verm Bar Examiners pursuant to VT. STAT. ANN. tit. 12, A §§ 10(f) and (g) (1982).[2]

By letter dated November 14, 1984, the Chairma Appellant that he was unable to find any "misconduct" of any examiners or the Board in grading Appellant's e and that therefore he was unable to find any "substant Appellant's appeal.[3] The Chairman concluded that his tion was a "final determination" of Appellant's ap Section 10(g).

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[2] Under Section 10(f) Appellant was provided model answers, typic his answers and the examination questions. Appellant's essay exam of 35 which was one point short of the minimum passing score of model answers discussed 53 major points of law in the six essay qu lant's examination answers discussed 46 of these 53 points and a cussed 16 other relevant points of law. Altogether, Appellant's answ points of law while the Board's model answers discussed only 53. score on the essay examination was 60 points and since each of the answers presumably received 10 points, Appellant sought review o grading discrepancies between his answers and each of the Board's These discrepancies were outlined in detail in his petition for review.

[3] Section 10(g) of the Vermont statute restricts review of graded bar specific claims of examiner "misconduct". Although the statute "misconduct", it is apparent that Section 10(g) does not provide for which set forth specific allegations of grading errors.

On November 30, 1984 Appellant filed a verified com extraordinary relief with a supporting memorandum of Vermont Supreme Court pursuant to VT. STAT. ANN. ti I, Pt. II, § 13(b) (1982) and V.R.A.P. 21(b). A complaint requested review of his examination by the Supreme Court. It also requested the court, in the alter declare Sections 10(e), (f) and (g) of the Rules of Admiss Bar unconstitutional under the Due Process Clause of and Fourteenth Amendments since the rules do no review of graded bar examinations.

On February 5, 1985 the Vermont Supreme Court issu per curiam opinion which denied Appellant relief on th that the Chairman had found no substantial merit to p claim of "examiner misconduct". The court declined co Appellant's claim that this standard of review denies due p

Although Appellant passed the Multistate Exami July of 1983, he has failed the essay portion of the Ver Examination three times. He appeals from an determination by the Chairman for a second time.[4]

THE QUESTIONS PRESENTED ARE SUBSTAN

In *Schware v. Board of Bar Examiners*, 353 U.S. 238, this Court said that "A state cannot exclude a person

[4]Prior to this appeal, Appellant sought review of the essay po February, 1984 Vermont Bar Examination by filing a 32 page review before the Chairman pursuant to the same statute cited ab examination, a perfect score was 30 points (5 points per question) a score was 18. Appellant received 16 points or 2 points below a passi appealed his score on 3 of the 6 examination questions. The Bo answers to two of these three questions discussed 32 points of law points of law, Appellant's answers discussed 26 points while the answers, which presumably also received a perfect score of 5 discussed only 19 points. In addition, Appellant's answer to the th together with these first two questions raised 77 additional releva law omitted in the Board's model answers. Appellant received only these three questions while the model answers and the typical presumably received a perfect 15 points. In his prior appeal of th 1984 essay examination the Appellant was denied review by the C the same grounds. The Vermont Supreme Court affirmed that deci reviewing his examination. Both decisions will be part of the recor

practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment." Appellant sought review of his failing grade on the Vermont bar examination. Both the Chairman of the Board of Bar Examiners and the Vermont Supreme Court summarily denied review in violation of this constitutional provision.

One of the purposes of due process is to afford protection against erroneous decision-making. *Mathews v. Eldridge,* 424 U.S. 319, 335 (1975). But VT. STAT. ANN. tit. 12, App. I. Pt. II, §§ 10(e) and (g) (1982) provide review of an examination only "upon a showing of misconduct on the part of one or more members of the Board." The Vermont Supreme Court has effectively held that this statute precludes review of grading decisions. *In re John Slingerland v. Board of Bar Examiners,* 144 Vt. 647, 480 A.2d 424 (1984) (by implication). *See also In re Petition of Robert Halpert,* 143 Vt. 647, 467 A.2d 125 (1983) (by implication).

This Court has never decided the constitutionality of a state statute which does not permit review of graded bar examinations. As a result, there is substantial confusion and contradiction among the lower courts, both state and federal, on this issue. The Vermont Supreme Court decisions in *In re Monaghan,* 126 Vt. 53, 222 A.2d 665 (1966) and *In re Monaghan,* 126 Vt. 193, 225 A.2d 387 (1966) and the federal court decision in *Welch v. Smith,* 486 F. Supp. 153 (D. Vt. 1980) illustrate the contradictions, confusion, and deficiencies in this area of constitutional law.

In *In re Monaghan,* 126 Vt. 53, 222 A.2d 665 (1966), the Vermont Supreme Court held that the Due Process Clause requires an opportunity for a hearing and judicial review in matters involving determinations of moral character and fitness to practice law. *In re Monaghan,* at 56, 65, 222 A.2d at 669, 675 (citing *Schware v. Board of Bar Examiners,* 353 U.S. 238 (1957) and *Willner v. Committee on Character,* 373 U.S. 96 (1963)). Four months later, after Monaghan had re-taken the examination, received a failing grade, and appealed to the Vermont Supreme Court, the court held that "in the matter of examining and grading applicants for admission to the bar...the members of the board are the exclusive judges." *In re Monaghan,* 126 Vt. 193, 194, 225 A.2d 387 (1966). To confuse matters more, the court next said: "We will not embark on an investigation to ascertain the probity of the results certified to the

Court in the absence of clear and unequivical allegations of probative facts to establish imposition, discrimination and manifest unfairness." *In re Monaghan,* 126 Vt. at 194, 225 A.2d at 387.

In *Welch v. Smith,* 486 F. Supp. 153, 156 (1980), Judge Coffrin laid bare the contradiction in *In re Monaghan,* 126 Vt. 193 (1966), and pointed out the constitutional problem with the Vermont Supreme Court's position:

> Vermont lacks a formal procedure by rule or statute for review of an adverse Board determination, in contrast to some states. See *Richardson v. McFadden,* 563 F.2d 1130, 1132 n.3 (4th Cir. 1977) (Hall, J., concurring) (South Carolina); *Chaney v. State Bar of California,* 386 F.2d 962, 966 (9th Cir. 1967) (California). Yet by itself this lack inflicts no denial of due process or equal protection since the Vermont Supreme Court has the inherent power to hear the petition of an unsuccessful bar applicant. See *Feldman v. State Board of Law Examiners,* 438 F.2d 699, 702-03 (8th Cir. 1971)....Despite the Vermont Supreme Court's statement that "[i]n the matter of examining and grading applicants...the members of the [B]oard are the exclusive judges," id., we conclude that under Vermont law the Board's adverse recommendation cannot cause a "deprivation" under 42 U.S.C. § 1983. Only the final action of the supreme court, whatever form it may take, effects such a deprivation, if any. *Chaney,* 386 F.2d at 966.[5]

Despite Judge Coffrin's suggestion in *Welch v. Smith,* the Vermont Supreme Court refuses to exercise its inherent power to review Appellant's claims. *In re John Slingerland v. Board of Bar Examiners,* No. 84-569 (Vt., decided February 5, 1985). See also *In re Slingerland v. Board of Examiners,* 144 Vt. 647, 480 A.2d 424 (1984)

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[5] In *Welch v. Smith,* Judge Coffrin provided the Vermont Supreme Court with an out: "The supreme court impliedly has approved the Board's determination that plaintiff is not qualified for admission and thus has taken final action on his application." *Welch* at 156. In the present case, the Vermont Supreme Court has not "impliedly approved" the Board's decision. Rather, the court has blindly accepted the Chairman's decision without reviewing it. The court has also refused to decide the due process issue. In *Willner v. Committee on Character,* 373 U.S. 96, 106-107 (1963), this Court said: "In reviewing state action in this area, as in all others, we look to substance, not to bare form, to determine whether constitutional minimums have been honored."

and *In re Petition of Robert Halpert,* 143 Vt. 647, 467 A.2d 125 (1983).[6]

In *Schware v. Board of Bar Examiners,* 353 U.S. 238, 239 (1957), this Court said that the Due Process Clause applies to grading decisions as well as determinations of moral character and fitness to practice law:

> A State can require high standards of qualification, such as good moral character or proficiency in its law, before it admits an applicant to the bar, but any qualification must have a rational connection with the applicant's fitness or capacity to practice law. *Douglas v. Noble,* 261 U.S. 165... *Cummings v. State of Missouri,* 4 Wall. 277, 319-320....Even in applying permissable standards, officers of a state cannot exclude an applicant when there is no basis for their finding that he fails to meet these standards.... [7]

Of equal importance, this Court said that the requirements of the Due Process Clause apply regardless of how the various States characterize their bar admission rules:

> We need not enter into a discussion whether the practice of law is a "right" or "privilege". Regardless of how the State's grant of permission to engage in this occupation is characterized, it is sufficient to say that a person cannot be prevented from practicing except for valid reasons. Certainly the practice of law is

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[6]Some courts have granted review of graded bar examinations. *Powell v. Nigro,* 543 F. Supp. 1044 (D. D.C. 1982); *Cupples v. Marzall,* 101 F. Supp. 579 (D. D.C. 1952); *Petition of W.M. I.,* 394 A.2d 207 (Del. 1978); *Kennedy v. Educational Testing Service, Inc.,* 393 A.2d 523 (D.C. 1978); *Harper v. District of Columbia Committee on Admissions,* 375 A.2d 25 (D.C. 1977); *In re Mead,* 372 Mass. 253 361 N.E. 2d 403 (Mass. 1977); *Davidson v. New York State Board of Law Examiners,* 86 Misc. 2d 744, 382 N.Y.S. 2d 418 (1976); *In re Hughey,* 62 Nev. 498, 156 P.2d 733 (1945); *Petition of Wayland,* 510 P.2d 1385 (Okla. 1972); *Hooban v. Board of Governors of Washington State Bar Associations,* 5 Wash. 2d 774, 539 P.2d 686 (1975). Other courts have denied review. *Lucero v. Ogden,* 718 F.2d 355 (10th Cir. 1983); *Sutton v. Lionel,* 585 F.2d 400 (9th Cir. 1978); *Singleton v. Louisiana State Bar Association,* 413 F. Supp. 1092 (D. La. 1976); *Whitfield v. Illinois Board of Bar Examiners,* 504 F.2d 474 (7th Cir. 1974). Unlike any of these appeals, Appellant has presented specific evidence of grading errors.

[7]In *Application of Peterson,* 459 P.2d 703, 710 (Alaska 1969) (citing *Schware v. Board of Bar Examiners,* 353 U.S. 232), the Alaska Supreme Court reached "a conviction that an applicant's rights in regard to the grading of his examination papers and his ultimate right to pursue the occupation of an attorney should be as fully protected as these same occupational rights are when questions of moral

not a matter of the State's grace. *Ex parte Garland,* 4 Wall. 333, 379, 18 L. Ed. 366. *Schware* at 239.

This was another way of saying that in the area of bar admissions, applicants do not have to take "the bitter with the sweet" in looking to state law for protection of their interests. *Compare Arnett v. Kennedy,* 416 U.S. 134, 153 (1974). Furthermore, one's right to engage in "any of the common occupations of life" has been held by this Court to be a liberty interest independently protected under the Due Process Clause of the Fourteenth (and Fifth) Amendment. *Board of Regents v. Roth,* 408 U.S. 564, 571 (1972) (citing *Meyer v. Nebraska,* 262 U.S. 390, 399 (1923)).[8] *See also* L. Tribe, *American Constitutional Law* 948-953 (1978). As such, this interest does not depend on state law for constitutional protection since it has its origins in the Bill of Rights. U.S. CONST. Amend. V. This fact has been acknowledged in Vermont. *In re Monaghan,* 126 Vt. 53, 222 A.2d 665, 675 (1966) (citing *Schware v. Board of Bar Examiners,* 353 U.S. 232 and *Ex parte Garland,* 4 Wall. 333).[9]

Even if the right to engage in the legal profession were viewed as being entirely a matter of state law, the Vermont Supreme Court Rules of Admission to the Bar provide for review of graded examination booklets. See VT. STAT. ANN. tit. 12, App. I, Pt. II, §§ 10(f) and 13(b) (1982).[10] As noted above, the Vermont Supreme Court has said that it will review petitions which present claims of "manifest

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character or discipline of the applicant are involved." The court held that the minimum requirements of a fair procedure demand that an applicant be provided model answers, typical best and worse answers, and copies of his own answers in order to assure a meaningful appellate hearing on the merits. *Application of Peterson,* 459 P.2d at 709. A distinction should be noted between the petitioners' claims in *Application of Peterson* and *In re Monaghan,* 126 Vt. 193 (1966), which apparently lacked the benefits of a comprehensive grading guide, and Appellant's claim which presents well-documented evidence of serious discrepancies in grading determinative of his failing grade. Many courts grant review for such claims. See note 6, supra.

[8] While this court has not attempted to define with exactness the liberty...guaranteed (by the Fourteenth Amendment), the term has received much consideration, and some of the included things have been definitely stated. Without doubt, it denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life..." *Meyer* at 399.

[9] "Irrespective of whether the practice of law is a right or a privilege, a person cannot be prevented from practicing law except for valid reasons, such practice not being a matter of the state's grace." *In re Monaghan,* 126 Vt. at 65, 222 A.2d at 675.

[10] Section 10(f) reads in part. "An applicant who takes and fails to pass the essay or

unfairness". *In re Monaghan,* 126 Vt. 193, 194, 225 A.2d 387 (1966)

In this case, however, the Vermont Supreme Court and i Chairman have refused to review Appellant's petition which pre ents compelling, documented evidence under Section 10(f) of seriou grading discrepancies. This has resulted in a judicial disregard fundamental constitutional rights in an area of the law which th court itself administrates.[11] It is therefore in the mutual interest of a parties, all courts, and all States to receive the clear guidance which lacking and which only this Court can provide.

CONCLUSION

Judge Friendly notes that in the area of mass justice, question have largely been limited to fair procedure. He advises self-restrain on the part of courts and a combination of fair procedure an adequate statement of reasons on the part of agencies. Friendly *Some Kind of Hearing,* 123 U Pa. L. Rev. 1267, 1294-95 (1975).[12] In Professor Rabin's description of the layered approach to view ing due process, there is agreement with Judge Friendly:

> [A]s we respond to less exigent claims by peeling away th layers of protection — indeed as we strip away any semblanc of a "hearing" — it is essential that we retain the core safeguar against arbitrariness, the right to receive a meaningful explana tion of what is being done to the individual. Rabin, *Jo Security and Due Process,* 44 U. Chi. L. Rev. 60, 79 (1976).

This Court has also concurred in these views: "As Judge Friendly has written in a related context, when the State seeks "to deprive a

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Multistate Bar Examination part of the bar examination may petition for review b the Board." Section 13(b) reads: "Except as otherwise provided by these Rules an individual may appeal from a decision of the Board of Bar Examiners by filing a action with the Vermont Supreme Court as a matter of original jurisdictio pursuant to the Rules of Appellate Procedure."

[11]This Court has noted: "No conflict exists between constitutional requisites an exaction of the highest moral standards from those who would practice law....Ce tainly lawyers and courts should be particularly sensitive of, and have a specia obligation to respect, the demands of due process." *Willner v. Committee o Character,* 373 U.S. 96, 106 (concurring opinions of Justices Goldberg, Brenna and Stewart). See note 6 supra, and cases cited therein.

[12]This court has recognized the importance of reasoned decision-making in several

person of a way of life to which [he] has devoted years of preparation and on which [he] ha[s] come to rely," it should be required first to provide a "high level" of procedural protection." *Board of Curators, Univ. of Mo. v. Horowitz,* 435 U.S. 78, 100 (1978) (quoting *Some Kind of Hearing,* 123 U. Pa. L. Rev. 1267, 1296-1297 (1975)). Appellant has not received either fair procedure or an explanation.

The Appellant claims that under the Due Process Clause he is entitled, at a minimum, to meaningful review and an explanation of any adverse recommendation by the Chairman given the compelling and unrefuted evidence that serious discrepancies exist between the Board's scoring guide and his answers. He claims that VT. STAT. ANN. tit. 12, App. I, Pt. II, §§ 10(e), (f) and (g) of the Rules of Admission to the Bar are unconstitutional under the Due Process Clause insofar as they restrict review to claims of "misconduct" (as well as fail to define it) and preclude review of grading errors.

Respectfully submitted,

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decisions. *Dunlop v. Bachowski,* 421 U.S. 560 (1975); *Citizens to Preserve Overton Park v. Volpe,* 401 U.S. 402 (1971). While it may be true that the Chairman and the Vermont Supreme Court exercise discretion in reaching grading decisions as was noted by Judge Coffrin in *Rosenfield v. Clark et al,* 586 F. Supp. 1332 (D. Vt. 1984), it does not follow that they can ignore an applicant's statutory and constitutional right to a meaningful review procedure when he presents clear, comprehensive evidence of grading errors. As noted in *Citizens to Preserve Overton Park:*

> Scrutiny of the facts does not end, however, with the determination that the Secretary has acted within the scope of his statutory authority....[The Administrative Procedure Act] requires a finding that the actual choice made was not "arbitrary, an abuse of discretion, or otherwise not in accordance with law"....The final inquiry is whether the Secretary's action followed the necessary procedural requirements. Id. at 416.

Since the Secretary made no findings of fact or statement of reasons, this Court reversed and remanded his decision.

FITTS, OLSON, CARNAHAN, ANDERSON & BU

14 November 1984

Mr. John H. Slingerland
133 Loomis Street
Burlington, Vermont 05401

VERMONT BOARD OF BAR EXAMINERS

Ruling of Chairman on Appeal Under Rule Section 10(g)
July 1984 Examination
John H. Slingerland
Id. No. 56.

Dear Mr. Slingerland:

Your letter dated 9 October 1984 relating to the July 1984 Exan tion was received by me on 18 October 1984.

You have first requested review under Rule §10(f). I understand review has been provided to you as prescribed by Rule §10(f).

Your letter of 9 October was addressed to me as Chairman o Vermont Board of Bar Examiners and you state that it constitu petition for review of the July 1984 Bar Examination. Rule § requires that a written Petition must set forth specifically a detail any claim of misconduct by an Examiner or of the Board. state that there are serious grading discrepancies between the ing guide and your answers. You also stated in your letter t should be excluded and disqualified from a determination of Appeal. However Rule §10 does not provide for an Appeal to person other than the Chairman of the Board.

I have considered the points which you have set forth in the at ments to your letter relating to your answers to each of the ques on the July 1984 Essay Examination. I have also reviewed original Answer Booklets as to each of the Questions. I am not to find any misconduct on the part of any examiners or the Boa grading your answers. I therefore can find no substantial me your Appeal. This constitutes a final determination of your Ap under Rule §10(g).

Sincerely yours,

Paul N. Olson
Chairman

Appendix

ENTRY ORDER

SUPREME COURT DOCKET NO. 84-569
November Term, 1984
Filed February 5, 1985

In re John Slingerland .....

Board of Bar Examiners .....

APPEALED FROM:

Original Jurisdiction .....

DOCKET NO. .....

In the above entitled cause the Clerk will enter:

Under Rule 10(g) of the Rules of Admission to the Bar, th Chairman of the Board of Bar Examiners having found no substan tial merit to the petitioner's claim of examiner misconduct unde 10(e), the decision of the Chairman is final. Petition for extraordi nary relief denied.

William C. Hill, Associate Justice
Wynn Underwood, Associate Justice
Louis P. Peck, Associate Justice
Ernest W. Gibson III, Associate Justi

IN THE SUPREME COURT OF THE STATE OF VERMONT

JOHN H. SLINGERLAND
Appellant

v.

BOARD OF BAR EXAMINERS and PAUL N. OLSEN, CHAIRMAN
Appellees

No. 84-29

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Notice is hereby given that John H. Slingerland, the app above named, hereby appeals to the Supreme Court of the States from the final judgment of the Vermont Supreme denying appellant's petition for extraordinary relief entered appeal on February 5, 1985.

This appeal is taken pursuant to United States Code Ti Section 1257(2). 28 U.S.C. Section 2403(b) may also be appl Proof of service is attached hereto and incorporated herein.

Dated at Burlington, Vermont this 25 day of February, 198

John H. Slingerland, *Ap*
Pro Se
133 Loomis Street
Burlington, Vermont 054

IN THE SUPREME COURT
OF THE
STATE OF VERMONT

JOHN H. SLINGERLAND)
Appellant)
)
v.) N. 84-56
)
BOARD OF BAR EXAMINERS and
PAUL N. OLSEN, CHAIRMAN
Appellees

AFFIDAVIT OF SERVICE OF NOTICE OF APPEAL

NOW COMES John H. Slingerland who, after being duly swo
hereby deposes and says:

Copies of the attached Notice of Appeal were deposited i
United States Post Office with first class postage prepaid address
to:

1. Paul N. Olson, Chairman of the Vermont Board of B
Examiners
111 State Street c/o State Office Building P.O.
Montpelier, Vermont 05602
2. Jeffrey Amestoy, Attorney General for the State
Vermont
Pavilion Building
Montpelier, Vermont 05602
3. Office of the Clerk
Vermont Supreme Court
111 State Street c/o State Office Building
Montpelier, Vermont 05602

Dated at Burlington, Vermont this 20th day of February, 198

John H. Slingerl

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

At Burlington this 25th day of February, 1985 person
appeared John H. Slingerland and he acknowledged the forego
Affidavit to be true to his best knowledge and belief.

Before me, _____

Notary P

PROOF OF SERVICE

I, William E. Mikell, appearing as counsel for appellant
depose and say that on the day of April 26, 1985, I served three
of the foregoing Jurisdictional Statement on each of the fo
parties listed, appellees herein, by depositing the same in a
States post office, First Class postage prepaid to:

Paul N. Olson, as Chairman, member and representative
Vermont Board of Bar Examiners.
111 State Street
c/o State Office Building P.O.
Montpelier, Vermont 05602

Thomas J. Lehner, Clerk and Court Administrator
Vermont Supreme Court
111 State Street
Montpelier, Vermont 05602

John J. Easton, Attorney General for the State of Vermont
Pavilion Building
Montpelier, Vermont 05602

William E. M

Subscribed and sworn to before me at Burlington, Vermo
26th day of April, 1985.

Notary P

No.

IN THE
SUPREME COURT OF THE UNITED S

October Term, 1984

JOHN H. SLINGERLAND,
Appellant,

— vs. —

PAUL N. OLSON, as Chairman of the Vermont
Examiners, THE VERMONT BOARD OF BAR
and THE VERMONT SUPREME COU
Appellees.

On Appeal from the Vermont Supreme C

ENTRY OF APPEARANCE

The Clerk will enter my appearance as Counsel fo

WILLIA

444 So
Burlington

The Clerk is requested to notify counsel of actio
means of regular mail.

TES

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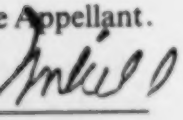
AMINERS,
,

t

e Appellant.



E. MIKELL
.O. Box 587
Union Street
rmont 05402
02) 658-3337

he Court by